IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(Crl.).No. 19 of 2007(S)

PETITIONER:

IBRAHIM N., AGED 68 YEARS,
S/O. LATE NAHOOR MEERA RAWTHER, SALEENA MANZIL,
MANGAD, ELAMANNOOR P.O., ADOOR, PATHANAMTHITTA.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:
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1. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

2. THE CIRCLE INSPECTOR OF POLICE, ADOOR.

3. THE SUB INSPECTOR OF POLICE,
CHERANELLOOR.

BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 30/01/2007, ALONG WITH W.P.(CRL.)NO.27 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.)Nos.19 & 27 OF 2007

Dated 30th January, 2007

JUDGMENT

Koshy,J.

The alleged detenue was present. She stated that she married Ajmal.M.S., son of the fifth respondent in W.P.(Crl.)No.27 of 2007. Petitioner in W.P.(Crl.)No.19 of 2007 is the maternal grandfather of Ajmal. It is submitted by the alleged detenue that she is not under illegal custody and she married Ajmal. It is also submitted that she is studying for B.D.S. and she has completed the age of 18 and she is capable of managing herself. Father and grandfather of Ajmal submitted that they will look after the girl as a member of their family and they will not harass the parents of the alleged detenue Rosina. Even though we have allowed Rosina to speak to her parents for some time, she insisted that she wants to go with her husband Ajmal. Hence, W.P.(Crl.) No.27 of 2007 is dismissed. Since grandson of the petitioner in W.P.(Crl.)No.19 of 2007 was present, that petition is also dismissed. Police is directed to see that Rosina and Ajmal reach their home safely.

It is contended that all the ingredients of valid Nikah were not taken place. Counsel for the petitioner in W.P.(Crl.)No.19 of 2007 submits that he will advise the parties to conduct marriage under the Special Marriage Act by way of precaution.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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